

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to mental health institutes
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 29, “Mental Health Institutes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 226.

Purpose and Summary

The Department is proposing to update the administrative rules for mental health institutes in Chapter 29 and bring the rules into alignment with current practices. References to four catchment areas would be removed. Administrative rules listing specific visiting hours would be revised to say that visiting hours shall be posted in each facility. References to the central point of coordination would be removed because that terminology is no longer in use. References to a separate application for voluntary admission for substance abuse treatment would be removed because that application is no longer used.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind rule **441—29.1(218)**.

ITEM 2. Renumber rules **441—29.2(218,229)** to **441—29.7(218)** as **441—29.1(218,229)** to **441—29.6(218)**.

ITEM 3. Amend renumbered subrule 29.1(1) as follows:

29.1(1) Application form. Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.

~~a. Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for Voluntary Admission to a Mental Health Institute.~~

~~b. Any individual requesting substance abuse treatment shall complete Form 470-0425, Application for Voluntary Admission—Substance Abuse.~~

ITEM 4. Amend renumbered subrule 29.2(1) as follows:

29.2(1) Certification data. By the end of the next working day following a non-Medicaid payment-eligible adult individual’s admission, the facility shall send a copy of Form 470-4161, DHS MHI Admission Core Data, by facsimile to ~~the central point of coordination or~~ the regional administrator for the county of admission.

ITEM 5. Amend renumbered rule 441—29.3(218,230), introductory paragraph, as follows:

441—29.3(218,230) Charges for care. The rates for cost of hospitalization are established by the division administrator and shall be available by contacting the business manager of the mental health institute ~~that serves the catchment area in which the individual’s county of residence is located.~~

ITEM 6. Amend renumbered subrule 29.3(1) as follows:

29.3(1) Individuals requesting voluntary admission without going through the ~~central point of coordination or~~ regional administrator process shall be required to pay the cost of hospitalization in advance. This cost shall be computed at 30 times the last per diem rate and shall be collected weekly in advance upon admission. The weekly amount due shall be determined by dividing the monthly rate by 4.3.

ITEM 7. Amend renumbered subrule 29.5(2) as follows:

29.5(2) Care and treatment. An individual receiving care from a state mental health institute shall have the right to:

a. to e. No change.

~~f. Work, when available and desired and as appropriate to the individual’s plan of treatment, and be compensated for that work in accordance with federal and state laws.~~

~~g. f.~~ Have an individualized posthospitalization plan.

ITEM 8. Amend renumbered subrule 29.5(3) as follows:

29.5(3) *Living conditions.* An individual receiving care from a state mental health institute shall have the right to:

a. to *d.* No change.

~~*e.* Share a room with a spouse when both live on a long-term basis in the same facility.~~

f. e. Be free from unnecessary drugs, restraints, and seclusion except when necessary to protect the immediate health or safety of the individual or others.

~~*g. f.*~~ Be free from physical, psychological, sexual, or verbal abuse, neglect and exploitation.

ITEM 9. Amend renumbered subrule 29.6(1) as follows:

29.6(1) Visiting hours on Monday through Friday are from 12 noon to 8 p.m. and are from 10 a.m. to 8 p.m. on Saturday, Sunday, and holidays. Visiting hours shall be posted in each facility.

The physician may designate exceptions for special hours on an individual or ward basis. Therapy for the individual shall take precedence over visiting. Visiting shall not interfere with the individual's treatment program or meals.